

GUIDELINES FOR IMPOSING AND WAIVING FINES
PURSUANT TO GOVERNMENT CODE SECTION 91013
WITH RESPECT TO LATE FILED STATEMENTS OF ECONOMIC INTERESTS

(These guidelines do not apply to campaign
statements or lobbying statements)

The Executive Director will consider late filings on a case-by-case basis, but will generally apply these guidelines when imposing and waiving fines with respect to officials who file Statements of Economic Interests after their deadlines. Application of these guidelines assumes good faith on the part of the filer and that relatively immaterial consequences will result from the late filing in question. A late filing that was deliberate or due to gross negligence or that was material will be dealt with outside these guidelines. It should also be noted that fining is only one penalty that can be imposed under the Political Reform Act. Those who repeatedly violate filing requirements or who are otherwise party to more serious violations of such requirements increase the likelihood that they may be subject to administrative proceedings or court action.

Fines issued pursuant to these guidelines shall not exceed \$10 per day up to a maximum of \$100.

I. Full fines will be imposed upon the following:

- A. Persons who do not otherwise qualify for a waiver and who fail to file a Statement with the Commission or their agency within 30 days after receiving adequate notice that their Statement is late.
- B. Persons who fail to file a Statement with the Commission or their agency within 30 days after specific written notice is sent.
- C. Persons who fail to respond in 20 days after receiving the Commission's certified letter requesting a justification for the late filing.
- D. Persons who do not qualify for a waiver pursuant to subsections II and III below.

II. Partial or full waivers may be issued to the persons described below. A stricter standard may be applied to persons who filed late Statements within the two years prior to the late filing in question.

- A. Persons who, because of illness, injury, personal tragedy or similar reasons, found it extremely difficult to file on or before their filing deadline but filed as soon as possible thereafter. Full details of the emergency must be provided in writing.
- B. Persons who were necessarily out of town immediately prior to and on the filing deadline but who filed as soon as possible thereafter. Full details concerning the absence must be provided in writing.
- C. Persons who received inadequate or erroneous notification of their filing requirement but who filed within 30 days after receiving adequate notice. Full details concerning the type of notice received or lack thereof must be provided in writing.
- D. Persons serving in an acting officeholder capacity who file within 30 days of the first adequate notice provided by an agency official or the Commission.
- E. Persons who left office without receiving adequate notice of their filing requirement but who filed within 30 days of receiving such notice from an agency official or the Commission.
- F. Persons who wrote the Commission or their agency prior to the filing deadline, or who had someone write on their behalf, indicating that the filing would be late for a justifiable reason and who filed as soon as possible.

III. In cases in which persons do not have sufficient reasons to justify the late filing, the following guidelines will apply:

- A. Persons who received adequate notice of the filing requirement prior to the filing deadline and nevertheless filed late, but did so prior to receiving a post-deadline reminder from an agency official or the Commission shall be assessed fines of between \$10 and \$25.
- B. Persons who received adequate notice of their filing requirement prior to the filing deadline and nevertheless filed late but who filed within 30 days after receiving a post-filing deadline notification by an agency official or the Commission shall be assessed fines of between \$25 and \$100.

- IV. In cases in which persons file within five days of the due date, the following guidelines will apply:
- A. Persons who file within five days of the filing deadline with no prior history of late filing will be granted automatic waivers.
 - B. Persons who file within five days of the filing deadline, but who have a history of filing late the prior two years will be subject to the Commissions guidelines I through III on waiving and imposing fines.

History:

- (1) Adopted October 3, 1979
- (2) Amended to add Section IV April 18, 1983
- (3) Gov. Code Section 91013 amended; Stats. 1985, ch. 1200, effective January 1, 1986.